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IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,
Plaintiff,
vs.
MURAT SULJOVIC,
Defendant.

Case No. 2:20-cr-153
**STIPULATED MOTION FOR A
PROTECTIVE ORDER
PERTAINING TO
CLASSIFIED INFORMATION**
Judge Jill N. Parrish

The United States of America, by and through its attorney, ANDREA T. MARTINEZ, acting United States Attorney for the District of Utah, hereby respectfully moves for the entry of a protective order, and in support thereof states as follows:

1. Defendant Murat Suljovic has pleaded guilty to attempting to provide material support, namely a bomb tutorial, to a foreign terrorist organization, namely, the Islamic State of Iraq and the Levant (ISIL), knowing that ISIL was a designated terrorist organization and that the organization had engaged in, and was engaging in terrorist activity and terrorism.

2. The government is in possession of materials that are discoverable pursuant to Rule 16 of the Federal Rules of Criminal Procedure, and that involve classified

national security information. The storage, handling, and control of this classified national security information requires special security precautions, and access to which requires a security clearance and a need to know.

3. To protect the classified national security information, and pursuant to Section 3 of the Classified Information Procedures Act (frequently referred to as “CIPA”), 18 U.S.C. Appendix 3, §3, the government submits the proposed Protective Order to establish the procedures that must be followed by all defense counsel of record, their designated employees, all other counsel involved in this case, translators for the defense, and all other individuals who receive access to classified information or documents in connection with this case.

4. Section 3 of CIPA, provides the authority for this Court to issue a protective order to allow for the disclosure of classified discovery to a defendant: “Upon motion of the United States, the court shall issue an order to protect against the disclosure of any classified information disclosed by the United States to any defendant in any criminal case in a district court of the United States.” 18 U.S.C. App. 3, §3.

5. In accordance with Section 9 of CIPA, the Chief Justice of the United States promulgated security procedures to “apply in all criminal proceedings involving classified information . . . before the United States district courts . . .” Revised Security Procedures Established Pursuant to Pub. L. 96-456, 94 Stat. 2025, by the Chief Justice of the United States for the Protection of Classified Information (reprinted following 18 U.S.C. App. 3, § 9). *See also* 18 U.S.C. App. 3, §9(a).

6. The security procedures prescribed by the Chief Justice include, for example:

- a. the appointment of a Classified Information Security Officer (¶ 2);
- b. the use of a secure location for any *in camera* proceeding “concerning the use, relevance, or admissibility of classified information” (¶ 3);
- c. the means by which court personnel obtain the necessary security clearance in order to be given access to classified information (¶ 4);
- d. the custody and storage of classified materials (¶ 7);
- e. the means by which classified information may be discussed, communicated and processed (¶ 8(c));
- f. the disposal of classified materials (¶ 8(d));
- g. the marking of materials with the appropriate level of classification (¶ 9(a)); and
- h. the final disposition of the classified materials, after all proceedings in the case have been concluded.

7. Classified Information Security Officer Winfield S. “Scooter” Slade is aware of the government’s anticipated production of classified materials and has been preparing for the production of the classified materials to defense counsel. Mr. Slade also agrees with the terms of this protective order.

8. Counsel for Suljovic agrees to the terms of this Motion and the proposed Protective Order.

WHEREFORE, the government respectfully moves this Court to enter the proposed protective order.

Dated: June 19, 2021

Respectfully submitted,

ANDREA T. MARTINEZ
Acting United States Attorney

/s/Carl D. LeSueur
CARL D. LESUEUR
Assistant United States Attorney